

## Events Committee [#3]

### Final Draft

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1. **Goal:** The Working Group was tasked with developing amendments for the LUO that permit ‘appropriate direct marketing and agricultural tourist activities [Agtourism] while protecting agricultural resources and operations, natural resources, public health and safety, and the county’s rural character’. [Memo from Ag to BOS] The Ag Commissioner’s office and the Department of Planning and Building envisaged the effort as “further implementation of Ag Policies #6 and #31”. Ag Policy #6 supports compatible visitor serving and incidental uses of ag-zone land that are “clearly secondary and incidental to the agricultural use of the site”. Policy #31 calls for encouraging recreational uses of ag-zoned land on a case-by case basis that are compatible with agriculture and with scenic and environmentally sensitive resources.

The Events Committee was tasked with suggesting a regulatory framework for *events* that is consistent with the above criteria.

2. **Definition of active agriculture.** The question is; when we talk of requiring active ag for an activity, what are we requiring? The assumption had been that we would all have to sign on to the Farm Stay rules. Since we are opening issues and definitions up for further examination, the committee wanted to revisit this question. We all agreed that *generally speaking*, the farmstay definition was OK. The concepts are good; the numbers probably need some tweaking—although we did not agree on “in what direction”.
3. **Definition of *Event*.** The Committee agrees that a gathering of less than some number of people should not constitute an event. There is not agreement on what that number should be; the low-end candidate is 25, the high-end candidate is 50—the current winery number.
4. **What gatherings should be exempt from any land use control?**
  - a. The Committee does agree that the following activities should be exempt from land use control [other rules may pertain—for example, environmental health, building codes, etc.]
    - all private gatherings
    - gatherings that occur in the normal course of business operations—for example tasting room or farm store traffic,
    - tours of agricultural operations and/or on site natural resources. We exempt tours because we expect them to be low impact [relatively few people and no additional infrastructure required.] Furthermore, they have educational value for attendees and potential for stimulating direct marketing opportunities. Thus they meet a test of low impact/high direct benefit to farmer/rancher.

-workshops/classes directly pertaining to on-site ag operations and/or natural resources. We exempt these activities because they are low impact and have important educational benefit for our ag community.

-venues should be able to have a very limited number of events [say 2] each year of a reasonable size [*“reasonable” not defined?*] with no land use permit. This “no cost/no hassle” option is likely to serve the needs of most of the small farmer/ranchers and if they are few and small, the neighborhood impacts would be small.

- b. The Committee does not agree on whether or not the following activities should be exempt from permit requirements AND not count toward a venue’s total number of allowed events.

**-Events benefiting non-profit organizations.** On the one hand, it was argued that events impose burdens on neighborhoods and infrastructure whether or not they benefit non-profits. Therefore, in deference to the neighborhood, they should count in a venue’s number of permitted events. On the other, it was argued that non-profits benefit the community and we should not put undue barriers in their way.

- It might be possible to mitigate some of the burden side of the equation by capping the number of non-profit events permitted at any given event venue.
- It might be possible to mitigate the impacts non-profit benefit events by requiring that the venue be donated/offered at no charge to the group holding the event if it is to be exempt.

**-AG site-related events [capped at 4 permitted per year].** Again, those who oppose this exemption, argue that these events burden the neighborhood and therefore should count as one of the specified number of events permitted by the ordinance or be limited to the 2 “freebies” noted above as allowed without a land use permit. Those who support it maintain that our mission is to help framers by allowing them creative ways to supplement their income or actually utilize on-site direct marketing to sell their products. The thought is that farmers should be allowed one “event” a season that showcases a seasonal crop (i.e. pumpkins, Christmas trees, flowers, tomatoes, etc.).

## 5. Principles that apply to all non-exempt events [irrespective of permit level]

- Active ag required?** We agree that it should be required for ministerial permitting. We did not agree that active ag should be a prerequisite for *all* events. Some thought it should be, given our clear mission of helping active farmers and ranchers. Others thought it shouldn’t be.
- Parking requirements?** All parking must be on-site. Buses and other forms of carpooling permitted. AGREED
- Noise restrictions?** We agreed that some form of limitation on hours of operation and dB level should apply to all amplified sound. We did not agree on what those limits should be. Some urged that the current noise ordinance provisions are more than adequate [perhaps too restrictive] and

they should apply. Their contention was that we should strive for consistency and rely on existing regulations, where possible, and it would be preferable to allow events with music to continue into the early evening. Others thought the winery ordinance provisions [which are stricter than the provisions of the Noise Ordinance] might still not offer adequate protection for venues that hosted many events. The question of how to balance protection of neighbors against needs of the event with respect to audio-shutdown time is especially thorny and the source of considerable opposition to events in neighborhoods. This issue needs to be resolved with care and attention to the needs of neighbors.

- d. **Night lighting?** We briefly discussed the issue of bright night-lighting—the type used for entertainment/advertising value—and the degree to which it is or isn't a problem. Most committee members hadn't thought about it. At least two would like to see tight controls to preserve, to the degree possible, the rural night sky.
- e. **Enforcement?** We AGREE that this may be an issue but have no suggestions for dealing with it.
- f. **Retirement of permits after X years of non-use?** There may be some provisions on this topic in the current LUO. Regarding the principle, opinion was divided. Some believe that owners shouldn't be prevented from being 'forward-looking' and adding permanent value [in the form of the permit] to their land where possible. Others would like to limit the numbers of non-revokable rights outstanding in a community, allowing planners and neighbors to better understand and control cumulative impacts.

## 6. Principles governing eligibility for *low-level permits*

- a. **Active ag is a prerequisite;** The Committee agreed that active ag should be a prerequisite for events that qualify for low-level permits.
- b. **Permit Characteristics:** We discussed the possibility of a permit level in between a ZC and a full site-review. The option proposed would be a ZC with a site visit to verify the plan and parameters set out by the applicant. This option would not permit the triggering of a CEQA review, would not require any noticing of neighbors, would not permit the applicant to appeal staff decision. Project would also need to meet specified standards (setbacks, parking, etc.) The goal is to have some oversight regarding siting, actual space available for parking, etc. without making the process onerous for the occasional event holder.
- c. **New Construction:** We did not agree on whether or not to allow the constructions of permanent new facilities to support events at venue. The range was from "nothing new" to a maximum of "toilet facilities and a modest indoor staging area." Those opposed to new construction suggested that events that qualify for low level permits should be low-impact and therefore temporary facilities [portapotties, etc.] are appropriate. Those favoring allowing some new construction suggest that\_\_\_\_\_.

- d. **Frequency/size relationship:** We agreed that the following relationship should play a major role in determining eligibility for low level permits: an inverse relationship between # of people in attendance and # of events held. The goal is to balance the needs of the farmer/rancher to add events to an array of profitable activities and the rights of the neighbors to be free of the burdens of the extra traffic, noise, and activities of events. We did not agree on particular numbers.
- e. **Theme requirements:** With respect to “theme” of event, we did not agree. Some proposed that for this permit level, all events held on a site should relate in some way to the ag production/natural resources of that specific site . Others wanted greater flexibility, suggesting possibly some additional relationship between the number of people/year and whether or not the events related to on-site resources. Those that want events to have themes that relate to on-site ag production [eg. Olive orchard might have cooking classes focusing on their oils] held that because these rules apply to events requiring only ministerial permits and neighbors have no opportunity to voice their concerns, the rules should be conservative. The best way to balance between the goals of helping the farmer/rancher and minimizing impact on the neighborhood was to limit the numbers of events by requiring that they have a direct link to the on-site agriculture. Those who support more expansive rules hold that \_\_\_\_\_.
- f. **Roads:** Some think size of public road serving venue should play a role in what is allowed; specifically, facilities that host larger events with any frequency should be on arterials and designated highways. Such a requirement limits the burden on small, often over-used rural roads. Those who do not agree suggest that we all pay taxes to maintain the roads and should have the right to use them. We all agree that if the venue is on an easement, all those who share that easement should consent.

**7. We did not discuss anything beyond what might qualify for a low-level permit.**

**ADDENDUM from 6/29/06 WG Meeting**

A member of the Working Group made the following suggestion at our 6/29 meeting and it was agreed that we would add it to the Committee report.

- 1. **EXEMPT EVENTS:** All events for which no fee is charged/donation made for use of the venue where the event is occurring will be exempted from land use regulation. These exempt events must, however, conform to all other regulations [eg. building, environmental health, noise, etc.]
- 2. **NON-EXEMPT EVENTS:** Events for which a land owner charges a land use fee or receives a donation from the event host are never exempt. Because an owner is receiving payment, he/she must get a business license and should also then be required to conform to use permit requirements as described above.